

EXHIBIT C

CONSTRUCTION OF CONCESSION CONTRACTOR IMPROVEMENTS

This exhibit to this Concession Contract establishes certain terms and conditions of the Concession Contract regarding the nature, scope, and applicable conditions of the Concession Contractor's construction projects.

A. AUTHORIZING THE CONSTRUCTION OF A CONCESSION CONTRACTOR IMPROVEMENT

Reclamation may authorize or require the Concession Contractor to construct Concession Contractor Improvements on area lands only in accordance with the terms and conditions of this Concession Contract and as necessary for the conduct, by the Concession Contractor, of authorized or required visitor services. Any Concession Contractor Improvements owned by the Concession Contractor outside area lands, whether used by the Concession Contractor in the conduct of operating the concession or not, are not covered by this Concession Contract.

B. REQUIREMENTS FOR BEGINNING TO CONSTRUCT A CONCESSION CONTRACT IMPROVEMENT

Please see Exhibit H.

C. REQUIREMENTS AFTER SUBSTANTIAL COMPLETION OF A CONCESSION CONTRACTOR IMPROVEMENT

Please see Exhibit H.

D. DETERMINING CONSTRUCTION COSTS

After receiving the detailed construction report from the Concession Contractor, Reclamation will review the report and other information, as appropriate, to determine if the reported construction cost is consistent with the construction cost approved by Reclamation in advance of the construction.

Exhibit D

Concessions Review Program Standards

CONCESSIONS REVIEW PROGRAM

The primary goal of the Concessions Review Program is to ensure that Concession Contractors provide safe, sanitary, and high quality visitor services and facilities. The Concessions Review Program comprises four separate evaluations: (1) operation and facilities evaluation, (2) public health service evaluation, (3) safety and environmental evaluation, and (4) contract compliance evaluation.

Inspection responsibilities are allocated between local and non-local Bureau of Reclamation (Reclamation) staff and public health inspectors to capitalize on the respective skills and objectivity of each set of reviewers and, therefore, to conduct the most accurate and efficient evaluations possible. In addition, reviewers normally have specialized training in conducting the safety and environmental evaluation and the contract compliance evaluation. The operation and facilities evaluation will be conducted semiannually by staff from the local area office. External inspections will be conducted by non-local or external staff every 5 years. The safety and environmental evaluations will be conducted by Reclamation reviewers who are staff members who have been trained to conduct such evaluations. Private contractors may also be used for technical reviews. The evaluation rating year begins no later than October 1 and ends no later than September 30. The standards and forms used to evaluate the Concession Contract can be found at: <http://www.usbr.gov/recreation/publications/RCMG.pdf> CHAPTER 8 – CONCESSIONS REVIEW PROGRAM.

DEFICIENCIES

Failure to correct deficiencies identified during the: (1) operation and facilities evaluation, (2) public health service evaluation, (3) safety and environmental evaluation, and (4) contract compliance evaluation within the allotted cure period may be considered as breach of contract and grounds for Reclamation curing the deficiencies and invoicing the Concession Contractor; suspending some or all of the concession operations; or termination of the Concession Contract.

In the event the Concession Contractor should fail to promptly make such repairs or maintain its facilities after 30 days written notice by Reclamation, Reclamation may enter and make such repairs or perform such maintenance at the expense of the Concession Contractor, and the Concession Contractor shall, upon receipt of an itemized statement, reimburse Reclamation for all such costs.

CONTRACT COMPLIANCE EVALUATION

The purpose of the contract compliance evaluation is to determine whether the Concession Contractor is adhering to the terms and conditions of the Concession Contract.

The contract compliance evaluation will be conducted annually by Reclamation.

The review will include inspection of the concession facilities, operations, reporting, and investment and fee payment records to determine whether the Concession Contractor is in compliance with each of the items on the forms. If the Concession Contractor has been in compliance with all of the elements for the entire period since the last evaluation, the Concession Contractor should receive a "satisfactory" rating. However, if the Concession Contractor has failed to comply with any item, especially for an extended period of time, that will be grounds for assigning a "marginal" or "unsatisfactory" rating. Each item for which the Concession Contractor is found not to be in compliance will be documented.

Exhibit E

TEMPORARILY RESCINDED LANDS

Pursuant to Section 4.B. of the Concession Contract, the following Government lands and/or facilities are temporarily rescinded from use by the Concession Contractor. This rescission is necessary for the purpose of conserving, preserving, or protecting Lake Berryessa resources or visitor enjoyment or safety. Upon written notification by Reclamation to revoke the rescission for each location, the Concession Contractor may commence use of the area in accordance with approved CFIP.

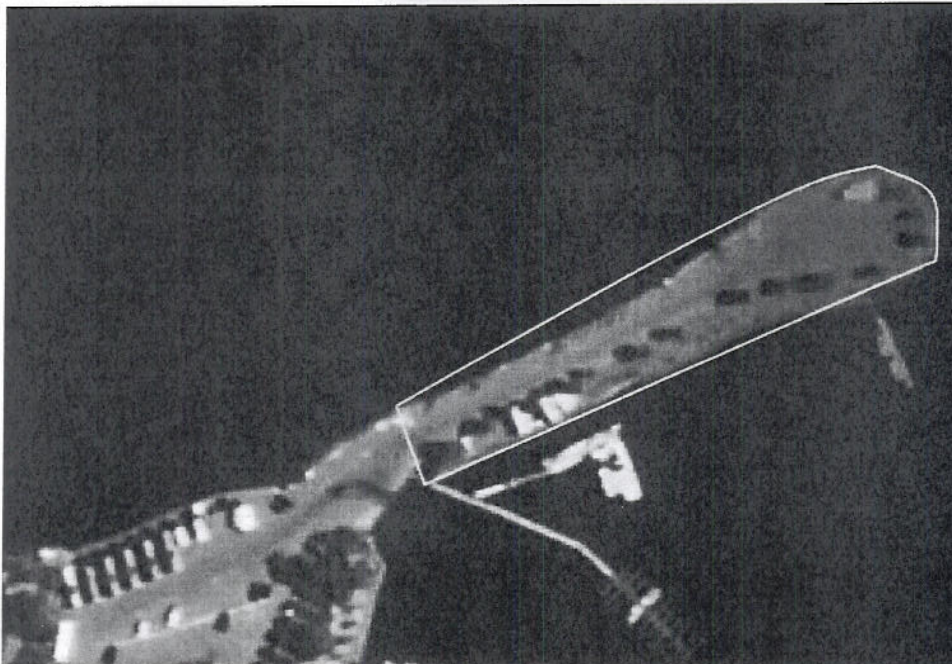
Concession Area (former name)	Description	Acres
Lake Berryessa Marina	Peninsula	2.152
Putah Creek	Underground Storage Tank Remediation Area	1.836
Steele Park	Underground Storage Tank Remediation Area	1.162

Descriptions of the rescinded lands and maps showing approximate locations follow.

LAKE BERRYESSA MARINA TEMPORARY RESCISSION AREA

The approximate area rescinded is described as follows:

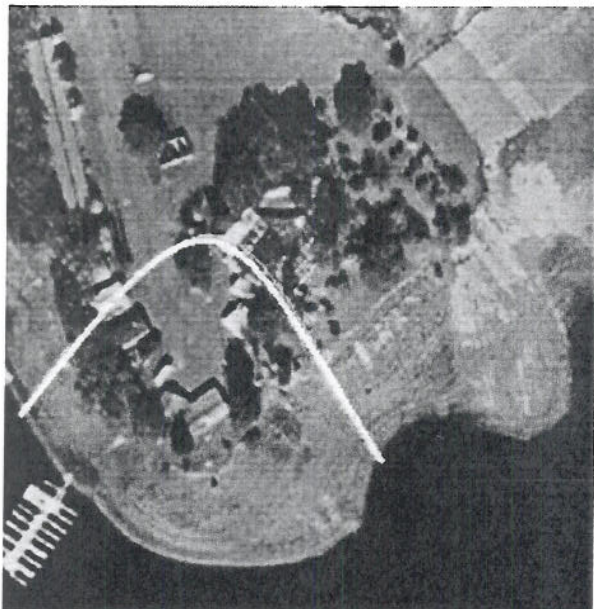
An area with a starting point at the East edge of the existing launch ramp, extending to the furthest Eastern end of the peninsula, surrounding the width and length of the peninsula to a point due North from the starting point. Total area is approximately 93,750 square ft. or 2.152 acres.



PUTAH CREEK TEMPORARY RESCISSION AREA

The approximate area rescinded is described as follows:

An area with boundaries at a point starting at the Northwest corner of the previous lounge/office building, extending East to the waterline, and perpendicular from the same starting point extending South to the waterline. Total area is approximately 87,500 square ft. or 1.836 acres.



STEELE PARK TEMPORARY RESCISSION AREA

The approximate area rescinded is described as follows:

An area with a starting point at the Southwest edge of the launch ramp, extending South approximately 225 feet along the shoreline, then extending East approximately 225 feet, and from that point, extending North 225 feet and then West 225 feet to the starting point. Total area is approximately 50,625 square ft or 1.162 acres.

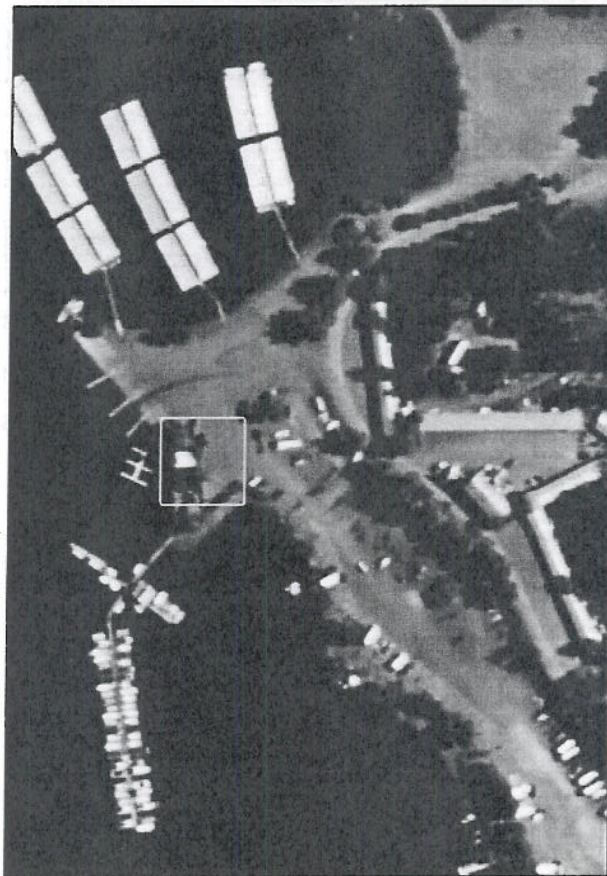


Exhibit F

Maintenance Plan

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Requirements for Concession Contractor's Maintenance Plan

A. MAINTENANCE PLAN REQUIRED

In accordance with § 4.H, the Concession Contractor shall submit a Maintenance Plan for Reclamation approval and then follow the plan once approved. Reclamation will review the plan annually in consultation with the concession Contractor and may make revisions if necessary. In the event of any conflict between the main body of the Concession Contract and this exhibit, the terms of the main body shall prevail.

B. STANDARDS FOR CONCESSION REVIEWS

Exhibit D of this Concession Contract (Concession Review Program Standards) provides general directions, expectations, and standards related to the review of concession operations. A review of operations and maintenance activities will be a part of any review process. This Exhibit F further defines the maintenance relationship between the Concession Contractor and Reclamation, and compliance with the terms of the Maintenance Plan will be evaluated during the concession review process.

C. TERMS USED IN THIS MAINTENANCE PLAN

Exterior: Refers to structures, the foundations, exterior walls and surfaces, roofs, porches, stairways, and other structural attachments. This includes all equipment, walkways, trails, parking lots, and other improvements, as well as the lands, landscapes, and utilities within the assigned area of responsibility.

Interior: Refers to the area of structures inside the external walls and under the roof, including doors and window frames. This also includes all equipment, appurtenances, improvements, and utility systems that penetrate the walls, roof, or foundation.

Maintenance: The preservation and upkeep of real or personal property in a condition as near as is practicable to the originally constructed condition or its subsequently improved condition. "Maintenance" includes reoccurring repair and rehabilitation of designated areas, facilities, infrastructure, equipment, and their component parts—up to and including replacement if necessary—to provide a safe, sanitary, and aesthetically pleasing environment for area visitors and employees. This does not include those improvement projects identified to be addressed with RAFI funds.

Operations: Refers to all aspects of activity by the Concession Contractor authorized under the contract. Operations include all services provided to the public and all nonpublic actions necessary to support those authorized services.

Repair: The act of correcting an unsatisfactory physical condition. Replacement is an aspect of repair and may be a necessary or economically sound approach to repairs. Repair is an aspect of

maintenance, and the objective of repair is the same as the objective of the general act of maintenance as defined above.

D. ANNUAL MAINTENANCE INSPECTIONS

Reclamation and the Concession Contractor shall conduct an annual joint inspection or review of Government and Concession Contractor improvements assigned to the Concession Contractor to determine what maintenance work is necessary and if the facilities comply with applicable Federal and State laws, regulations, guidelines, rules, codes, and policies. This review shall take place on a schedule to be established by Reclamation in consultation with the Concession Contractor. This review may be performed separate or in conjunction with the Concessions Review Program.

Based on the annual review, deficiencies noted on periodic evaluations and needs identified by Concession Contractor staff, the Concession Contractor shall prepare a list of maintenance needs and an annual maintenance program proposal. The Concession Contractor will submit the list and proposal for Reclamation approval by December 1 of each year. This program will list specific projects and the manner by which the Concession Contractor intends to execute its maintenance responsibilities during the following year.

E. CONCESSION CONTRACTOR'S RESPONSIBILITIES

The following sections identify the responsibilities of the Concession Contractor.

1. Improvements Assigned to the Concession Contractor

The Concession Contractor shall maintain and repair government and Concession Contractor improvements assigned to the Concession Contractor except as noted under "F (Reclamation Responsibilities)" below.

The Concession Contractor's maintenance responsibilities include, but are not limited to, lands, landscaping, and drainage structures; all improvements resting on the lands (buildings, walkways, trails, parking areas, pavement markings, fences, curbing, culverts, etc.); underground and aboveground storage tanks and associated mitigation, if needed; auto, bus, and heavy equipment maintenance areas (fuels and fluids management, used oil and lubricants, and used antifreeze, filters, and batteries); intrusion and fire alarm systems; interior and exterior lighting systems; fire suppression systems; utility and utility distribution systems; structural elements and surfaces (roofing, flooring, windows, doors, porches, etc., including hazard abatement); heating and cooling systems; and all installed fixtures and miscellaneous equipment.

The Concession Contractor will carry out general preventive and reoccurring maintenance and emergency repair in a timely manner to ensure that all improvements assigned to the Concession Contractor achieve the basic goals described by the Concessions Review Program and applicable codes and guidelines.

If the Concession Contractor proposes to undertake work that will result in a modification to assigned improvements (both Concession Contractor and Government improvements), new or changed services, or new construction, the Concession Contractor will submit a written request to Reclamation and obtain written approval before undertaking the work. All plans submitted must be prepared in accordance with Exhibit H of the Concession Contract.

Written notification and approval are also required for projects that change the nature or appearance of any facility in a historic structure or a historic district. This does not apply to routine work that does not change the nature, appearance, or value of a facility.

The Concession Contractor shall comply with all applicable Federal, State, and local codes, including, but not limited to, the Uniform Building Code, the Uniform Federal Accessibility Standards, the Uniform Plumbing Code, the National Electric Code, and the National Fire Protection Association's (NFPA) Life Safety Codes, unless the area manager has provided a written exception.

- a. Painting: To maintain the appearance of the structures, exterior painting shall be performed on a 7-year cycle or more often if needed to provide adequate protection to the structure. Interior painting shall be performed on a 5-year cycle or more often if needed to maintain a good appearance.

Reclamation must provide advance written approval for lengthening intervals or changing paint color. Latex paint (with low content of volatile organic compounds) must be used unless, because of the historic context or use context of the area to be painted, approval is granted by Reclamation for use of an oil-based product. All exterior paint colors must blend in with the natural landscape.

- b. Interior Systems: The Concession Contractor shall maintain lighting and heating, ventilation and air conditioning (HVAC) systems. The Concession Contractor shall clean and inspect all HVAC systems, chimneys, fireplaces, stoves, and exhaust ducts before each operating season.
- c. Utility Systems: The Concession Contractor shall operate, repair, and replace all interior and exterior utility systems within Concession Contractor land assignments as described herein or shown and described on land assignment maps.
- d. Food Service Equipment: All equipment used in food service operations, including but not limited to dishwashers, refrigerators, freezers, and serving tables, will comply with safety, public health, and sanitation codes.
- e. Safety Equipment: The Concession Contractor will comply with all applicable Federal, State, and local codes and provide and maintain safety devices, fire detection and suppression equipment, and such appurtenances as are necessary for the protection of employees and the public, including assigned Concession Contractor and Government improvements.

f. Fire Equipment: The Concession Contractor is responsible for all hose boxes, fire hose, standpipes, and extinguishers within their area of responsibility and shall inspect the equipment on a regular basis to ensure proper working order and compliance with the NFPA Life Safety Code.

g. Roof Replacement: As roof materials are replaced, fire retardant materials will be used to maximize the fire protection provided to structures assigned to the Concession Contractor.

h. Historic Structures (Historic Items): Certain assigned Concession Contractor and Government improvements may be eligible for nomination to, the National Register of Historic Places.

The Concession Contractor shall submit plans for all proposed work or actions affecting these resources to Reclamation to ensure compliance with laws, policies, and guidelines, including the National Historic Preservation Act of 1966, as amended. This applies to any undertaking that may affect a historic structure, historic district, cultural landscape, archeological site, or historic object or furnishing. The Concession Contractor must document proposed actions using report forms that are available from Reclamation. Reclamation representatives will provide guidance to the Concession Contractor on the preparation of the report forms if requested. Reclamation cultural resources staff at the area and regional level, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation will review the proposed project. Reclamation approval is required before undertaking the proposed action.

i. Winter Closures: The Concession Contractor shall provide winterization, as needed in unoccupied buildings to avoid damage to structures. The Concession Contractor assumes sole responsibility for actions needed to correct damage that results from inadequate preventive measures.

j. Concession Contractor Housing: The Concession Contractor will carryout general maintenance and repair of employee housing structures on a timely basis to ensure that employee housing achieves the basic goals described in the Concessions Review Program. Heating systems shall be inspected and cleaned on a reoccurring basis and before initial occupancy. The Concession Contractor shall monitor employee housing for compliance with fire, health and safety codes, and Reclamation policies and guidelines.

k. Underground and Aboveground Fuel Storage Tanks: The Concession Contractor shall monitor, test, maintain, repair, upgrade, and replace as necessary assigned underground or above ground fuel storage tanks and mitigate any soil or groundwater contamination in accordance with Federal, State, and local regulations. Written notification and approval by Reclamation is required before initiating work.

2. Hazardous Material

The Concession Contractor shall maintain health and safety standards and take necessary mitigative and corrective measures to ensure healthy working and living environments in all assigned buildings and improvements. The Concession Contractor shall store, handle, and use hazardous materials in a manner that protects workers from harmful exposure, minimizes the potential for spills and releases, and reduces the use of these materials in order to diminish the subsequent generation of hazardous waste.

Hazardous materials shall be handled in accordance with Occupational Safety and Health Administration 29 CFR, 1910 and 1926. Examples of hazardous materials requiring special management controls include asbestos, radon, and lead-based paint. The Concession Contractor shall obtain Reclamation approval before using chemicals, pesticides, and toxic materials. Applications and methods of use shall conform to Federal, State, and local laws and to applicable codes, policies, and guidelines.

a. **Emergency Planning and Community Right-to-Know:** Consistent with Executive Order 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements, the Concession Contractor shall provide Reclamation with information regarding hazardous materials inventory (on-site storage) and hazardous materials usage. Reclamation will require hazardous materials storage and use information, even if the Concession Contractor operates under the regulatory thresholds governing applicability of Emergency Planning and Community Right-to-Know Act regulations. Executive Order 12856 requires Reclamation to report the cumulative storage and usage of hazardous materials by both Federal and non-Federal entities. Reporting to Reclamation does not exempt the Concession Contractor from any requirements to make notices and reports as required under this statute or any other Federal, State, or local statute or regulation. Hazardous materials storage and use information shall be provided to Reclamation quarterly. Reclamation reserves the right to prohibit the use of certain hazardous materials within the area in the interest of protecting health and safety and natural or cultural resources.

b. **Hazardous Materials-Related Training:** The Concession Contractor shall provide training to all employees in accordance with 29 CFR 1910.120 (First Responder for Hazardous Materials Incidents) and 29 CFR 1910.1200 (Hazard Communication). The Concession Contractor shall comply with all Federal, State, and local laws and regulations pertaining to hazardous materials.

c. **Hazardous Waste Minimization and the Use of Environmentally Preferable Products:** The Concession Contractor shall attempt to minimize the use of hazardous materials in its operations with the purpose of diminishing the amount of hazardous waste generated over time. Under Executive order (E.O.) 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements, Reclamation is required to reduce the hazardous waste generation. The E.O. directs Federal agencies to pass this same requirement on to the Concession Contractor. The

Concession Contractor shall seek to use less toxic materials and products that are environmentally preferable as a general means to minimize hazardous waste. If the Concession Contractor generates more than 220 pounds per month of hazardous waste, the Concession Contractor must provide Reclamation with a Hazardous Waste Minimization Plan. To track any trends in the amount of waste generated, the Concession Contractor must provide information on all hazardous waste management (recycling and disposal) to Reclamation quarterly.

3. Signs

The Concession Contractor will install, maintain, and replace all interior and exterior signs relating to its operations and services within the assigned areas and directional signs outside assigned areas that relate specifically to concession operations. Examples include identifying the location of facilities, operating services, and hours and the Concession Contractor's rules or policies. The Concession Contractor shall ensure its signs are compatible with Reclamation sign standards as described in Reclamation's Visual Identity Program (VIP) Sign Guidelines. Sign size, style, color, and location shall be submitted for Reclamation approval before manufacturing and installation. No handwritten signs shall be permitted within the Concession Contractor's area of responsibility except on a short-term, interim basis. Reclamation may install signs within the areas assigned to the Concession Contractor.

4. Litter, Garbage and Recycling

a. Sanitation: The Concession Contractor shall provide an effective system for the collection and disposal of garbage and trash within its areas of responsibility. The Concession Contractor shall keep assigned areas free of litter, debris, garbage, abandoned equipment, vehicles, furniture, and fixtures.

Refuse shall be stored in receptacles that are covered, waterproof, bearproof, and verminproof.

These containers will be kept clean, well maintained, and serviceable; sites will be free of spills, waste, and odors. To prevent pest attraction and breeding, all wet garbage from concession operations will be adequately bagged and tied or stored in sealed containers. Waste must not accumulate in trash containers to the point of overflowing. Trash containers shall be conveniently located and in sufficient quantity to handle the needs of the area. The Concession Contractor will place cigarette receptacles at heavy use locations within assigned areas. Trash and garbage containers should be painted light brown or tan to distinguish them from Reclamation receptacles.

All materials generated as solid waste must be removed from areas at the Concession Contractor's expense and disposed of in an appropriate manner in an approved site. Applicable State and local codes shall also be followed.

b. Solid Waste Minimization: The Concession Contractor shall implement policies and practices to minimize solid waste. The Concession Contractor shall provide Reclamation with a written solid waste minimization plan. Special consideration should be given to the type of packaging and containers that is used in products offered for sale to visitors. If the Concession Contractor collects and hauls its solid waste, the Concession Contractor shall provide Reclamation annually with information regarding the amount of solid waste generated and the amount of material recycled.

(1) The Concession Contractor shall maintain foliage or constructed screening structures to ensure that major refuse sanitation facilities are screened from public view and are set as far apart from heavy public use areas as is reasonably possible. All materials generated as solid waste must be removed from areas at the Concession Contractor's expense and disposed of in an appropriate manner in an approved site. Applicable State and local codes shall also be followed,

(2) The Concession Contractor shall provide facilities and services necessary for recycling aluminum, paper, newspaper, glass, plastic, bimetals, waste oil, antifreeze, batteries, and cardboard generated within the assigned area of operation and shall promote recycling and place recycling bins in convenient locations for public use.

(3) The Concession Contractor will be responsible for the frequent litter removal from any shoreline areas within their land assignment. This includes debris that is floating in the lake and adjacent to their area of operation.

(4) The Concession Contractor will be responsible for the removal of any graffiti within 24-hours of discovery or of notification.

5. Grounds and Landscaping

In cases where grounds and landscaping activities require temporary modification or relocation of structures assigned to the Concession Contractor, the Concession Contractor shall carry out the temporary modification or relocations at its expense.

a. Landscaping and Use of Native Vegetation: The Concession Contractor shall prepare a written landscaping plan and submit it to Reclamation for approval. The plan will include general statements regarding the desired regime (manicured, natural, etc.) and condition of the area and subareas, as appropriate. It should include specific information, including locations and scope of work proposed, safety and resource considerations, debris disposal, and proposed use of irrigation systems. The appropriate use of native vegetation, water conservation, the need for revegetation or restoration efforts, and the potential existence of cultural landscapes should be considered during this planning phase.

b. Integrated Pest Management: The control of pests by chemical and other means is subject to area office approval. The Maintenance Plan must be consistent with § 3.G and any other relevant provisions of this Concession Contract.

c. Drainage and Stormwater Pollution Prevention: The Concession Contractor shall implement Best Management Practices to prevent the degradation of water quality in stormwater and other runoff from facilities assigned to the Concession Contractor. Erosion controls must be implemented at construction sites with disturbed soils exposed. Vehicle and equipment washing must not be allowed to result in untreated run-off water; oil/water separation must occur before discharge. Any improvements to drainage systems must be made in accordance with Federal, State, and local regulations.

The Concession Contractor shall ensure proper drainage control to protect landscapes, native vegetation, structures, facilities, improvements, and equipment while maintaining natural drainage patterns to the greatest extent possible.

d. Hazard Trees: The Concession Contractor will remove trees within the Concession Contractor's assigned areas that have been identified by Reclamation as hazardous. Such trees and other trees requiring removal will be approved for removal in advance by the area manager by means of a written authorization, which shall serve as a removal permit.

e. Vegetative Cuttings Recycling: The Concession Contractor will remove accumulated debris. The Concession Contractor should use creative methods of recycling natural debris, such as chipping woody materials for use as compost, dust control, and resource mitigation material. The Concession Contractor will remove slash buildup from around buildings in their assigned areas to prevent fires and to comply with State, county, and local codes.

f. Resource Protection and Site Restoration at Construction Sites: The Concession Contractor shall prepare and implement a site restoration and landscaping plan as directed by Reclamation, prior to removing facilities or as sites become heavily impacted by construction activities or use. The area office will provide advice and assistance during the preparation of these plans. Written approval from Reclamation is required before plan implementation.

6. Roads, Trails, Parking Areas, and Walkways

The Concession Contractor shall maintain roads, parking areas, curbing, sidewalks, walkways, and trails within its assigned lands in a state of good repair and in a manner that provides reasonable access to the general public, persons with physical disabilities, and emergency and service vehicles. In all assigned areas, the Concession Contractor shall sweep, sign, and paint curbs and striping surfaces on a recurring schedule to ensure that

public areas are consistently clean and free of litter and earthen debris and are well marked. Striping plans must have written approval from Reclamation before implementation.

The Concession Contractor will control dust within the Concession Contractor's land assignment and dust that results from Concession Contractor use outside the Concession Contractor's land assignment.

The Concession Contractor shall develop an exterior lighting system plan that addresses installation and maintenance of directed lighting systems that provide the minimum necessary lighting for nighttime walking in assigned walkway areas. This lighting system plan shall be submitted to Reclamation for review and approval per Exhibit H. The Concession Contractor shall maintain trails assigned for its use.

7. Docks, Slips, and Moorings

The Concession Contractor shall maintain marina breakwaters, piers, jetties, docks, slips, moorings, floating docks, emergency docks and slips, courtesy docks and slips, boat sewage pump out stations, public boat launches, public fish cleaning stations, dry dock facilities, hoists and cranes, boat storage facilities, restrooms, and all utility systems within its assigned area of operation in a state of good repair and in a manner that provides safe reasonable access to the general public, persons with physical disabilities, and emergency and service vehicles.

a. In all assigned and related areas, the Concession Contractor shall maintain, sweep, sign, and paint surfaces on a recurring schedule to ensure that public areas are consistently safe, clean, and free of algae, water weed, moss, vegetative growth, earthen debris, foul odors, rust and litter, and are well marked and well lighted. Maintenance and repair plans that involve the use of chemicals in the assigned and related areas must have written approval from Reclamation before implementation.

b. The Concession Contractor will ensure that any new dock design or construction be approved per Exhibit H. The use of raw Styrofoam is prohibited.

c. Transitional walking surfaces that go from land to floating facilities or from one floating facility to another should be designed and maintained in such a manner that there are not tripping hazards and to not inhibit use by members of the public with disabilities or with the need to use wheelchairs or other disability transportation devices.

8. Campground and Recreational Vehicle (RV) Sites

The Concession Contractor shall maintain campgrounds, and RV sites, including utilities hookup facilities, RV pump out stations, roads, parking areas, curbing, sidewalks, walkways, campground trails, landscaping, foliage, and vegetation within its assigned area of operation in a state of good repair and in a manner that provides access to the general public, persons with physical disabilities, and emergency and service vehicles. All

camping, RV, and related areas, including, but not limited to, campfire pits, barbeques, cooking facilities, and pump out stations must be maintained in a state of good repair. The Concession Contractor shall maintain the campground including, but not limited to, building cleaning, sweeping, signing, and painting surfaces, and trimming overhanging and hazardous vegetation on a recurring schedule to ensure that these public areas are consistently safe, hygienic, clean, and free of foul odors, litter, earthen debris, soot and ashes, and are well lighted and marked. The Concession Contractor shall be responsible for keeping the assigned camping, RV, and related areas free and clear at all times of safety hazards.

9. Firewood

The Concession Contractor shall acquire fully cured firewood from outside the area or as otherwise approved by Reclamation for use in assigned facilities. Reclamation encourages the use of lower emission composite fuels when and wherever possible. To minimize hazards associated with fuel wood storage, the Concession Contractor will store wood away from existing structures and will comply with instructions provided by Reclamation's fire management staff.

10. Utilities

As systems or equipment need to be replaced, serious consideration shall be given to the use of products and technologies that reduce impacts, conserve resources, and improve efficiencies, including electric peak load shedding and the use of alternative fuels.

- a. Electrical: The Concession Contractor shall maintain all electrical distribution lines and equipment (conduit, fuses, panels, switches, transformers, lines, etc.) down line from the electric provider service point within all Concession Contractor land assignments and all fixtures (lamps, cords, and equipment) affixed to electrical circuits.

The Concession Contractor shall repair or replace any electrical system damaged within assigned areas or damaged beyond the Concession Contractor assigned areas if the damage is the result of negligence of the Concession Contractor or its employees while working or operating Concession Contractor equipment.

The Concession Contractor will ensure that all electrical circuits under its control meet or exceed the standards of the National Electric Code. The Concession Contractor shall develop and implement a plan to reduce its consumption of electrical energy. This plan shall be annually submitted to Reclamation for review and approval.

- b. L.P. Gas Systems: The Concession Contractor shall repair and maintain, according to NFPA codes, all L.P. gas systems in its assigned areas. This includes, but is not limited to, tanks, bottles, regulators, and piping. The Concession Contractor will conduct and document semiannual inspections of its gas storage and

distribution systems. Placement of new or additional tanks must receive prior written Reclamation approval. An independent inspector, at the Concession Contractor's expense, must inspect all gas installations.

c. Water: The Concession Contractor shall repair and maintain water distribution lines and building plumbing systems downstream of the service point within the Concession Contractor land assignments or as shown or described on land assignment maps. The Concession Contractor shall repair or replace any damage to the water system within assigned areas and damage occurring beyond the Concession Contractor assigned areas that results from negligence of the Concession Contractor or its employees while working or operating Concession Contractor equipment. The Concession Contractor shall also maintain all fixtures attached to the water system within all buildings and structures.

The Concession Contractor shall implement water conservation measures as needs arise. As replacement of fixtures is needed, the Concession Contractor shall obtain and install low-flow and water conserving fixtures.

The Concession Contractor will provide for the daily monitoring and periodic sampling of water systems in its assigned areas.

d. Sewage: The Concession Contractor shall repair and maintain all sewage lines, connections, disposal systems, and appurtenances within the Concession Contractor land assignment to the sewer collection main or as shown and/or described on land assignment maps. The Concession Contractor shall repair any damage to the sewage disposal system within assigned areas and damage occurring beyond the Concession Contractor assigned areas that results from negligence of the Concession Contractor or its employees while working or operating Concession Contractor equipment.

The Concession Contractor shall maintain, repair, and replace fixtures attached to the sewage disposal system (including sinks, toilets, urinals, and dishwashing equipment).

e. Telephone Service: The Concession Contractor shall contract directly with commercial telephone operators for phone service to its assigned facilities. Agreements with commercial providers shall be in accordance with guidelines provided by Reclamation. The Concession Contractor shall be responsible for all on-premises equipment and wiring.

f. Seasonal Operations: The Concession Contractor will drain all water and sewer lines that are defined above as the responsibility of the Concession Contractor and take all necessary steps to prevent damage from freezing. All water and sewer lines will be charged and tested for leaks before opening.

The Concession Contractor shall comply with Reclamation's local codes when reopening and repairing drinking water distribution systems.

F. RECLAMATION RESPONSIBILITIES

During the execution of any Reclamation responsibilities indicated below, should Reclamation disrupt areas or lands within the Concession Contractor's assigned lands, Reclamation shall provide mitigative signing, barriers, and revegetative efforts as needed. Reclamation will interface with the Concession Contractor's maintenance program by executing the following responsibilities:

1. Improvements Assigned to the Concession Contractor

Reclamation will not physically maintain government or Concession Contractor improvements assigned to the Concession Contractor, unless otherwise mutually agreed in writing. Reclamation will provide staff review of Concession Contractor plans and proposals, inspection and evaluation of Concession Contractor processes and programs, and technical advice and assistance when requested and as resources allow.

Should the Concession Contractor determine that assigned improvements or property has exceeded its serviceable life then the Concession Contractor may request, in writing, that Reclamation allow final disposal or destruction the improvement or property. The area office will inspect the property to validate its condition and respond to the Concession Contractor's request and will also provide the process and permitted means and methods for disposal or destruction of said property.

2. Grounds and Landscaping

Reclamation will identify and periodically monitor hazardous trees in the area. Reclamation will also remove hazardous trees in the area that are outside the Concession Contractor's land assignment. Reclamation may make available to the Concession Contractor, when no cost to Reclamation is incurred; designated sites where limbs and other legally burnable forest debris may be transported for disposal.

3. Utilities

a. Electrical: Reclamation will allow commercial electrical service to be available at all locations assigned to the Concession Contractor where the provision of electrical service is indicated in general management planning documents.

b. Water: All piping and appurtenances downstream of the service point or as shown or described on land assignment maps shall be the responsibility of the Concession Contractor to operate, repair, and maintain.

G. SIGNATURE BLOCK TO BE USED FOR FINAL PLAN

Concession Contractor

Reclamation

Signature block for initial plan to be approved by the Area Manager after the effective date

Signed:

Area Manager:

Title:

Date:

EXHIBIT G

OPERATING PLAN

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Requirements for Concession Contractor's Operating Plan

A. OPERATING PLAN REQUIRED

In accordance with § 2.B, the Concession Contractor shall submit an Operating Plan for Reclamation approval and then follow the plan once approved. Reclamation will review the plan annually in consultation with the Concession Contractor and may make revisions if necessary. In the event of any conflict between the main body of the Concession Contract and this exhibit, the terms of the main body shall prevail.

B. STANDARDS FOR CONCESSION REVIEWS

Exhibit D of this Concession Contract (Concession Review Program Standards) provides general directions, expectations, and standards related to the review of concession operations. A review of operations and maintenance activities will be a part of any review process. This Exhibit G further defines the operational relationship between the Concession Contractor and Reclamation, and compliance with the terms of the Operating Plan will be evaluated during the concession review process.

C. MANAGEMENT, ORGANIZATION, AND RESPONSIBILITIES

1. Concession Contractor

a. The Concession Contractor will direct this concession operation. The Concession Contractor shall employ an on-site manager to carry out the policies and directives of Reclamation as well as those of the Concession Contractor in the operation of the authorized concession facilities and services in the concession area. To achieve an effective working relationship between the Concession Contractor and Reclamation, the Concession Contractor shall designate one representative who has full authority to act as a liaison in all concession matters within the concession area.

b. The on-site manager will employ a staff with the expertise to operate all services authorized under the contract.

c. The on-site manager will furnish Reclamation with an initial list identifying key concession management and supervisory personnel and their job titles. The list will be updated as changes occur.

2. Reclamation Area Office

a. The area manager manages the total area operation, including concession operations. The area manager carries out the policies and directives of Reclamation, including oversight of contracts. The area manager will designate staff representatives to review, supervise, and coordinate concession activities within the concession area as needed and applicable.

Monitoring contract compliance includes evaluating all concession operations and services and reviewing and authorizing all rates, improvements to facilities, and construction.

b. Area office personnel are responsible for coordinating planning and development activities, overseeing environmental compliance, and supervising the concession management activities within the Reclamation area.

c. Area office personnel make recommendations to the area manager on all aspects of the Concession Contractor's operation. The area manager ensures that necessary evaluations and inspections are performed, including those required by the U.S. Public Health Service and the area safety officer (including fire inspections), along with the periodic evaluations required under the Reclamation's Concessions Review Program. Area office personnel ensure that approval of all concession rates is based on current comparability studies or applicable guidelines. They have authority from the area manager to make field decisions pertaining to the concession operations and to act as liaison between the Concession Contractor and the area manager.

d. Area office staff reviews and coordinates the Concession Contractor's day-to-day activities; operational and maintenance activities; rate, service, and schedule changes; equal employment opportunity and affirmative action plans; advertisements; construction proposals; annual financial reports; insurance coverage; and any other contract requirements.

D. CONCESSION OPERATIONS

The operation of accommodations, facilities, and services authorized by the contract will conform to the evaluation standards set forth in the Concession Contractor Review Program (Exhibit D) and this Operating Plan.

1. Operational Evaluations

a. Reclamation and the Concession Contractor shall separately inspect and monitor concession facilities and services with respect to Reclamation policy, applicable standards, authorized rates, risk management, public health, impacts on cultural and natural resources, and visitor concerns and reactions. Reclamation will evaluate all services and facilities operated by the Concession Contractor to ensure public safety and health, identify maintenance and operating deficiencies, and ensure satisfactory services and accommodations for the general public within assigned areas of responsibility and in accordance with the land assignment maps.

Evaluation Schedule

	Operations/ Facilities	Operations/ Facilities	Operations/ Facilities	Overall Contract Compliance
Evaluation (Type)	Operation and Facility Evaluations	Public Health Service Inspections	Safety and Environmental Evaluations	Contract Compliance
Frequency	Semiannual	Semiannual	Annual	Annual – Local 5 Years - External

b. The area manager's representative(s), normally the concessions management specialists, will conduct periodic inspections of Concession Contractor facilities and services to ensure conformance to operational standards established by the Concession Contractor Review (Evaluation) Program. The on-site manager may be contacted at the time of evaluations so that a representative of the Concession Contractor can accompany the Reclamation evaluator.

c. The area's safety officer will conduct at least one annual comprehensive safety and occupational health evaluation.

d. The Public Health Service shall conduct periodic food service evaluations; inspections may be conducted without prior notice. The Concession Contractor will maintain and follow a formal, written, food-service-sanitation self-inspection program. Reclamation will help develop and update the program as necessary.

e. The Concession Contractor will perform annual interior and exterior fire and risk management inspections of all concession buildings and assigned lands. Written records, verifying the completion of such inspections, will be maintained by the Concession Contractor and will be available to Reclamation upon request.

f. Reclamation reserves the right, in accordance with the contract, to enter the Concession Contractor's facilities at any reasonable time for inspections or when otherwise deemed necessary.

g. The area's hazardous materials coordinator will conduct at least one evaluation annually of the Concession Contractor's compliance with hazardous materials and hazardous waste regulations and Reclamation policies.

h. The Concession Contractor must be responsive to dates assigned for correction of deficiencies and abatement plans for correction of identified deficiencies. The Concession Contractor will meet with Reclamation officials to schedule and prioritize correction of deficiencies and improvement programs resulting from these inspections.

2. Rates

a. The Concession Contractor will submit written requests for all rate increases enough in advance of anticipated implementation dates to allow Reclamation time to conduct rate analysis and/or comparability studies. Requests for rate changes will be processed as expeditiously as possible. This means the Concession Contractor will need to discuss with Reclamation the latest date it needs to have approved rates. Then, Reclamation can identify how much time in advance submittal must occur. Annual requests for rate changes should be submitted according to a schedule established by local Reclamation and Concession Contractor management staff.

b. Such requests shall include pertinent information about the rate, product, or service proposed. This includes, but is not limited to, brand names, portions, hours of service, and amenities provided. For food service requests, this will include an indication of which items will be regularly on the menu and which will be special or limited runs.

c. The Concession Contractor shall provide a range of service levels, qualities, and associated prices for all goods and services provided to the public under the contract.

d. If the Concession Contractor offers an item or service at less than the optimum condition (because of unavailable amenities or condiments or because of poor service or other conditions), the item or service will be discounted. This should not be construed to condone shortages or "running out" of items on a regular basis and should be used only in unavoidable situations.

e. Reclamation will approve, disapprove, or adjust rates and will inform the Concession Contractor of the reason for any disapproval or adjustment within the parameters established in (a.) above. If the Concession Contractor requests a quicker response, Reclamation will attempt to accommodate the request; however, this will not be normal procedure. If a longer response period is needed, Reclamation will contact the Concession Contractor and negotiate a response date.

f. The Concession Contractor will prominently post all rates for goods and services provided to the visiting public.

3. Schedule of Operation

The Concession Contractor will provide authorized services for visitors on a year-round basis; some facilities close seasonally or provide limited services. The Concession Contractor will annually submit a written schedule of proposed opening and closing dates and operating hours for all concession facilities for the area manager's approval before implementation. Reclamation will give reasonable notice of any schedule changes that it may initiate. Weather and visitation may cause specific dates of operating seasons to fluctuate; these dates, however, will be agreed upon and approved by Reclamation.

4. Staffing and Employment

a. Concession Contractor Hiring.

- (1) The Concession Contractor will hire a sufficient number of employees to ensure satisfactory services during shoulder as well as peak visitor seasons.
- (2) The Concession Contractor will attempt to offer concession employees a full workweek whenever possible. Before employment, the Concession Contractor will inform employees of the possibility that less than full-time employment may occur during slow periods.
- (3) The Concession Contractor will establish hiring policies that will include appropriate background reviews of applicants for employment.
- (4) Drivers of delivery trucks or passenger carrying vehicles shall have a valid operator's license for the size and class of vehicle being driven. They shall also meet any additional State requirements established for the vehicle driven or passengers carried.

b. Employee Housing.

- (1) The Concession Contractor will provide housing and food service for concession employees when feasible. The room and board account should be a break-even account to the extent possible. The Concession Contractor should ensure that employee room and board charges do not exceed earnings as a result of mandatory reduction in work.
- (2) The Concession Contractor will inspect all quarters for fire and safety compliance within 30 days of initial occupancy of a residence. Fire drills will be performed in accordance with local fire codes. Employee rooms will be adequately furnished to serve the number of occupants.
- (3) The Concession Contractor will conduct health and safety inspections in employee housing areas. The area office's concession management specialist is responsible for conducting periodic inspections of Concession Contractor's employee housing.
- (4) The Concession Contractor will provide adequate cooking and food storage facilities where appropriate. The Concession Contractor will ensure employee compliance with health, fire, and safety code regulations and Reclamation policies and applicable guidelines. Food storage facilities shall be bear- and vermin-proof.

(5) The Concession Contractor shall provide facilities and services necessary for recycling aluminum, newspaper, glass, and cardboard generated within all employee housing areas. The Concession Contractor shall promote recycling and make it convenient for employees.

(6) Employee housing managers will notify Reclamation of vehicles that are abandoned within assigned employee parking lots. These vehicles will be towed at the expense of the owner.

c. Employee and Staffing Practices.

(1) All employees dealing with the general public shall wear uniforms or standardized clothing with a personal nametag. Employees will project a hospitable, friendly, helpful, positive attitude; be capable of and willing to answer visitor questions; and provide visitor assistance. The Concession Contractor shall take appropriate steps to enforce these rules.

(2) The Concession Contractor shall have an affirmative action plan, as required by law, and shall post the plan in the office and work area.

d. Reclamation Employees and Families.

The Concession Contractor shall not employ in any status a Reclamation employee, the spouse of a Reclamation employee, or minor children of a Reclamation employee without the area manager's approval. Reclamation employees must submit a written request to the area manager that their spouse or minor children are allowed to work for the Concession Contractor.

e. Training Program.

(1) The Concession Contractor will provide employee orientation and training and will inform employees of the regulations and requirements that affect their employment and activities while residing and working for the Concession Contractor. Additional orientation pertinent to the developed area where the employees are assigned will be conducted by the Concession Contractor with Reclamation participation on location.

The Concession Contractor shall provide new employees with an orientation to the Concession Contractor's hazardous substance spill contingency plan and the Concession Contractor's hazardous materials program.

(2) The Concession Contractor will provide appropriate job training to each employee before duties are assigned and before the employee begins working with the public. Reclamation will provide orientation(s) to the Concession Contractor regarding the Concessions Review Program and other

Reclamation concession programs, emphasizing the operational review program.

(3) The Concession Contractor will provide hospitality training for employees who have direct visitor contact or who provide visitor information.

(4) The Concession Contractor will design and provide interpretive training for all employees who provide interpretive or informational services. Reclamation will work closely with the Concession Contractor to refine the methods of preparing and conducting effective interpretive programs. Reclamation will evaluate interpretive visitor services to ensure appropriateness, accuracy, and the relationship of the interpretive program to themes of the area.

f. Employee and Community Services.

The Concession Contractor is encouraged to develop and support an employee recreation program. This program will provide facilities for various types of recreation for employees, such as dances, a wellness center, sports activities, fitness programs, and movies. The Concession Contractor may make these activities available to other community members.

E. SCOPE AND QUALITY OF SERVICE

All services are to be provided in a consistent and quality manner. The Concession Contractor shall be responsible for monitoring concession operations to ensure that quality standards are met. The following facility types and services are representative of most concession activities. It is not required to provide all of these in every location.

1. Overnight Accommodations

a. General.

The total room numbers available will not exceed the limitation set forth in the contract or planning documents for the area. The Concession Contractor will provide clean, well-maintained overnight accommodations.

b. Telephone Services.

Telephone services shall provide public access to long distance services in accordance with "The Telephone Operator Consumer Service Act." Charges to guests will not exceed the FCC approved AT&T tariff time-of-day and day-of-week, public switched-message rates. The Concession Contractor will not remove or supplement public pay phones installed in the area.

c. Lodging Reservations, Deposits, and Refunds.

(1) The Concession Contractor will adequately staff the reservations office to meet the need during peak periods.

(2) The Concession Contractor will accept reservations no more than 1 year in advance. A deposit may be required to hold a reservation. The deposit requirement and refund policy is part of the rate approval process. Any deposit may be paid by cash, check, money order, or major credit card.

(3) If cancellation is made 48 or more hours in advance of the check-in time, the deposit will be refunded in full. If the cancellation is made less than 48 hours in advance, the deposit is forfeited unless all rooms are eventually filled. Rates confirmed by the Concession Contractor shall be honored at the time of the stay. Refunds will be processed within 1 month of cancellation.

2. Food and Beverage Service

To the extent possible, the Concession Contractor will offer a range of food services and menu prices that accommodate a wide variety of visitors. Food service operations will offer variety at each location, including vegetarian entrees, light eater's portions, and children's menus. All menus will maintain a price range that accommodates the general range of visitors.

3. Alcoholic Beverage Sales

a. The Concession Contractor will comply with applicable State laws and regulations.

b. Alcoholic beverage service may be available to the public with meal service (bona fide eating place) and at designated lounges. Alcoholic beverage sales will be available to the public at specific merchandising outlets. No promotional activities (e.g., happy hours or two-for-one sales) will center on alcoholic beverages, unless approved by the area manager.

4. Merchandising

a. General.

All retail services will comply with the guidelines established by Reclamation. Guidelines regarding merchandise sales operations are found at <http://www.usbr.gov/recreation/publications/RCMG.pdf> CHAPTER 10 – HANDCRAFTS, GIFTS, AND MERCHANDISE.

b. Gifts and Souvenirs.

(1) Appendix A of this Operating Plan is a "Gift Shop Mission Statement."

(2) Gift and souvenir sales will conform to the Gift Shop Mission Statement, including the following:

(a) A broad range of gifts and souvenirs will provide visitors with opportunities to buy inexpensive as well as fine art items.

(b) Handcraft items representing area and regional themes, including crafts by local and Indian artists, will be actively sought and prominently displayed. All merchandise sold as handcraft items will have appropriate handcraft certification.

(c) Gift shops will offer items that have a direct relationship to Lake Berryessa, its environs, its history, or other related

environmental or cultural topics. This will provide visitors with opportunities to buy memorabilia of their Reclamation area visit while at the same time obtaining information or educational messages related to the area's resources. Where possible and appropriate, informative tags will be attached to the sales item to show their relationship to Reclamation area themes. Items of Reclamation area interpretive value and general value in environmental and cultural education will be prominently displayed.

(d) Gifts and souvenir items that are commonly found outside the Reclamation area and that do not relate to identified Reclamation area themes will not be restocked. Existing stocks may be sold until depleted.

c. Sporting Goods, Clothing, and Boating Safety Supplies.

The Concession Contractor shall carry a selection of clothing and sporting goods to meet the needs of visitors who may have forgotten items or need emergency replacements. The intent of this visitor service is to provide a narrow selection of items, which nonetheless, represents a range of price and quality levels.

d. Firewood.

If offered for sale, the Concession Contractor shall acquire fully cured firewood from outside the Reclamation area for sale in its facilities. Reclamation encourages the use of lower emission fuels when and wherever possible.

5. Interpretive Services

a. General.

The Concession Contractor shall submit to Reclamation a written plan for the concession's interpretive program that outlines, for both non-personal and personal services, a basic description of the topics to be covered, a bibliography of resource materials being used, and the scope of employee training.

b. Guided Tours (if offered).

(1) The Concession Contractor will provide guided tours using vehicles/vessels provided by the Concession Contractor.

(2) The Concession Contractor will provide a sufficient number of trained, courteous drivers/operators and support staff to meet the operating schedule. Personnel will wear appropriate uniforms.

(3) The Concession Contractor will adequately train staff members in safe operating procedures and interpretive techniques. The Concession Contractor will provide and be evaluated on thematic interpretation. Employees will demonstrate their knowledge of the Reclamation area, Reclamation goals, and appropriate interpretive techniques in the Concession Contractor's programs.

c. Indirect Interpretive Services.

(1) In addition to personal interpretation services, the Concession Contractor will actively pursue an indirect interpretive program. At food service facilities, interpretive messages will be included on menus, placemats, paper cups, tent-cards, etc. The Concession Contractor will explore a wide range of possible ways of conveying interpretive messages to visitors on related themes and topics such as resource protection, appreciation of area values, water safety and Reclamation goals.

(2) Area interpretive themes will carry over to merchandise sold in retail outlets.

6. Showers and Laundry Facilities

Shower enclosures and stalls will be well maintained and clean. Water pressure and temperature will remain constant and at appropriate levels.

7. Vending Machines

- a. Tobacco product vending machines are prohibited.
- b. When out of order for the season, signs will be posted on the vending machines that direct patrons to the closest available unit.

F. REPORTS

1. Concession Contractor

a. Management Information System.

To document visitor use impact, the Concession Contractor may, as directed, maintain a management information system on lodging and food service operations and will provide the area manager with a monthly report that reflects the following type of information. Each area should independently determine and identify data to be collected and submitted to Reclamation.

- (1) Units available
- (2) Units occupied
- (3) Percentage of occupancy
- (4) Total guest count
- (5) Number of guests per unit
- (6) Average length of stay
- (7) Number of meals served (breakfast, lunch, and dinner)
- (8) Day use visitors

b. Other Reports Required by the Contract:

- (1) Annual Financial Report: April 1 each year
- (2) Certificate of Insurance: March 1 each year

- (3) Statement of Insurance: March 1 each year (from Concession Contractor's insurance company)

c. Incident Reports.

The Concession Contractor will immediately report to Reclamation any fatalities or visitor-related incidents; property damage over \$500; any employee, visitor, or stock injuries requiring more than minor first aid treatment; any fires; any motor vehicle accidents; any incidents that affect the natural or cultural resources; and any known or suspected violations of law.

d. Human Illness Reports.

Outbreaks of illness associated with contaminated water or food sources or caused by other adverse environmental conditions shall be reported to the area manager.

e. Hazardous Materials Quarterly Report.

To document information regarding the Concession Contractor's hazardous materials, the Concession Contractor shall provide the area manager with a quarterly report (in a format to be designated by the area manager) that includes the following information for every hazardous material stored on-site or used during the prior quarter:

- (1) Maximum quantity, in pounds, of every material at any time during the quarter.
- (2) Form of the material.
- (3) Location of the material.
- (4) Hazard category of the material.
- (5) Type of storage containment.
- (6) Whether the material contains any chemical regulated as an extremely hazardous substance under Section 3.02/3.03 of the Emergency Planning and Community Right-to-Know Act (EPCRA).
- (7) The Material Safety Data Sheet.
- (8) The amount of materials used in the prior quarter, how the material was used, and the total volume of release (as defined in EPCRA) of that material and the media into which the material was released for every

hazardous material used that contains a chemical regulated under Section 3.13 of EPCRA.

(9) Any activities undertaken or planned to reduce hazardous waste generation.

f. Hazardous Waste Generation.

To document information regarding the Concession Contractor's solid wastes, the Concession Contractor shall provide the area manager with a quarterly report (in a format to be designated by the area manager) that includes the following information for all solid waste generated during the prior quarter:

(1) Volume of solid wastes generated per month in the prior quarter (this may be broken down into statistics for different districts or visitation centers).

(2) Volume of recyclable materials recovered by type per month.

(3) Products acquired for use that are made of recycled products or meet the definition of EPA's Environmentally Preferable Purchasing Program.

(4) Any activities planned or undertaken to reduce the amount of solid waste generated that requires landfill disposal.

G. SANITATION

1. Inspections

Reclamation will regularly inspect each food service facility, market, and public shower for sanitation.

2. Sanitation Training

At a minimum, the Concession Contractor will provide sanitation training for food service managers at the start of their employment in a food service facility and at least once every 5 years thereafter.

3. Garbage Collection

The Concession Contractor will be responsible to remove the trash and garbage generated within the assigned concession area.

H. LOST AND FOUND POLICY

Each found item shall be tagged, listing the item found, location found, date and time found, and who found it. The found items should be handled and disposed in accordance with 43CFR 423.23(2)(d).

The Concession Contractor shall attempt to identify the ownership of the found item and provide this information to Reclamation. Under no circumstances will Concession Contractor or Reclamation employees be permitted to keep lost and found items even after a prescribed waiting period.

I. INTEGRATED PEST MANAGEMENT

The control of pests by chemical and other means is subject to area office approval. The Operating Plan must be consistent with § 3.G and any other relevant provisions of this Concession Contract.

J. COMPLAINTS

Reclamation will send complaints or comments regarding Concession Contractor services to the Concession Contractor for investigation. The Concession Contractor must respond in a timely manner, in writing, to the person who lodged the complaint. The Concession Contractor must also provide the area manager with a copy of the response. A copy of Reclamation's response to the complaint, if necessary, will be forwarded to the Concession Contractor.

To initiate valid and responsive visitor comments, the following notice will be prominently posted: This service is operated by (Name of Concession Contractor), a Concession Contractor under contract administered by the Department of the Interior (Interior), Reclamation. The Concession Contractor is responsible for conducting these operations in a satisfactory manner. Please address comments to: Park Manager, 5520 Knoxville Road, Napa CA 94558.

K. ADVERTISEMENTS/PUBLIC INFORMATION

All signs and promotional material must be approved by the area manager before publication, distribution, broadcasting, placing on the Internet, etc. Advertisements must include a statement that the Concession Contractor is authorized by Reclamation to serve the public at Lake Berryessa. Brochure changes and layout should be submitted to the area manager for review at least 30 days before the projected need or printing dates. The area manager will make every effort to respond to minor changes to brochure and menu texts within 15 days. Longer periods may be required for major projects or if Reclamation assistance is required to help develop the product. The Concession Contractor should contact area office staff well in advance to establish specific time frames for each project. Advertisements for employment must contain a statement that the company is an equal opportunity employer.

L. PROTECTION AND SECURITY

1. Resource Protection

a. Any harm or alteration of natural, paleontological, historic, or archaeological objects or structures is prohibited without prior Reclamation approval.

b. The Concession Contractor shall ensure that its employees and customers leave artifacts and objects in place and do not enter ruins. If the Concession Contractor observes signs of vandalism of any kind (including defacement of rocks and damage to property) then the Concession Contractor shall notify an area office representative as soon as possible.

c. The Concession Contractor shall provide restoration of any resources damaged by its operation. Restoration measures shall be determined and directed by Reclamation.

d. Fishing shall be in accordance with laws and regulations of the State of California.

2. Fire Protection

The Concession Contractor must ensure that all buildings within the assigned area meet fire and life safety codes and that fire detection and suppression equipment is in good operating condition at all times. The Concession Contractor shall maintain the area to prevent and reduce wildfires by: proper signage, maintaining fire breaks, managing fuel loads, and education. It is strongly encouraged that the Concession Contractor coordinates these requirements with CalFire. It is also the Concession Contractor's responsibility to report all structural and wild fires immediately. The Concession Contractor should allow employees to be on the various developed area volunteer fire brigades (unless there is a bona fide full-time fire department) and will allow time away from their primary duties for necessary training.

3. Emergency Medical Care

During the busy season, the Concession Contractor shall provide a full-time employee who is qualified to provide health information and first aid treatment to the Concession Contractor's employees.

4. Concession Contractor Security Personnel

The Concession Contractor shall provide State of California certified security personnel to respond to Concession Contract violations and incidents. During peak periods additional security personnel shall be provided by the Concession Contractor.

M. FUEL STORAGE

The Concession Contractor shall be responsible for compliance with all Federal, State, and local laws and regulations pertaining to underground and aboveground fuel storage. The Concession Contractor must provide the area manager with copies of all reports and correspondence to or required by any regulatory agency pertaining to fuel storage. If any leak detection testing indicates a possible release or leak from a tank, Reclamation must be notified immediately; the Concession Contractor will be responsible for fulfilling all reporting, monitoring, and remediation requirements associated with a leak or release.

Reclamation must approve all plans for any work involving underground and aboveground fuel storage tanks, tracer probes, monitoring wells, removal of contaminated soil, and groundwater remediation work.

N. HAZARDOUS MATERIALS

The Concession Contractor shall comply with all Federal, State, and local laws and regulations pertaining to hazardous materials. The Concession Contractor shall provide Reclamation with a Hazardous Materials Business Plan within 6 months of execution of the contract. If the nature of the hazardous materials stored on-site changes, an update to this plan must be provided to the area manager. All hazardous materials must be stored and handled in a manner that minimizes the potential for spills and releases.

The Concession Contractor shall designate a hazardous materials coordinator who will have responsibility for all hazardous materials storage and for compliance with applicable laws and regulations.

The Concession Contractor shall provide the area manager with an Oil and Hazardous Substance Spill Contingency Plan that applies to the facilities assigned to the Concession Contractor. The Concession Contractor's plan must adopt emergency reporting and response procedures that complement and match Reclamation's plan, as appropriate. All spills and releases must be reported immediately by the Concession Contractor to the area manager and the area and regional office's hazardous materials coordinator and to all local emergency response agencies, State emergency response agencies, and the National Response Center as required by law and regulation.

The Concession Contractor will be responsible for cleaning up contamination caused by spills or releases from facilities assigned to the Concession Contractor or equipment used by the Concession Contractor or otherwise attributable to the Concession Contractor. If the Concession Contractor fails to take action to clean up a spill or release in a timely fashion, Reclamation may take such action as is appropriate to remediate the contamination and recover the costs of such response from the Concession Contractor.

When a release of hazardous or nonhazardous chemical or biological product occurs, proper corrective, cleanup, and safety actions must be implemented immediately. Individual fleet and public service vehicles with a load rating greater than 2 tons should carry, at a minimum, enough absorbent materials to effectively immobilize the total volume of fluids contained within the

vehicle. Vehicles and operators transporting hazardous materials must be Department of Transportation (DOT) certified and registered, and operators must be knowledgeable of local emergency response and personal safety protocol.

The Concession Contractor must provide information regarding hazardous materials used and stored on-site to the area manager in accordance with the requirements of this exhibit.

The Concession Contractor must adopt measures to minimize the use of hazardous materials, when appropriate, to minimize hazardous waste generation. If less toxic materials are available as a suitable substitute for a hazardous material, the alternative should be used, as appropriate, to decrease the potential for exposure to workers. The Concession Contractor shall seek to acquire environmentally preferable products, as defined by Executive Order 12873, A, when available.

O. HAZARDOUS WASTE

The Concession Contractor shall comply with all Federal, State, and local laws and regulations pertaining to hazardous waste.

The Concession Contractor shall designate a hazardous materials coordinator who will have responsibility for all hazardous waste accumulation areas and for compliance with applicable laws and regulations.

The Concession Contractor shall develop policies and practices to minimize hazardous waste generation. The Concession Contractor shall implement such minimization activities with the purpose of achieving a reduction of hazardous waste consistent with the mandate contained in Executive Order 12856.

The Concession Contractor shall provide the area manager with information regarding hazardous waste generation on a quarterly basis, in accordance with the requirements of this exhibit.